

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**DERRICK ANTHONY NOYE**

**PLAINTIFF**

**vs.**

**CIVIL ACTION NO. 1:16CV138-RP**

**CAROLYN W. COLVIN,  
ACTING COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER GRANTING MOTION TO REMAND**

Plaintiff Derrick Anthony Noye has filed suit under 42 U.S.C. § 405(g) for judicial review of the decision of the Commissioner of Social Security denying his application for a period of disability and disability insurance benefits (DIB) under Section 216(I) and 223 of the Social Security Act and his application for supplemental security income (SSI) payments under Section 1614(a)(3) of the Act . The Commissioner moved to remand under the fourth sentence of 42 U.S.C. § 405(g). Docket 15. The court has been advised by plaintiff’s counsel that there is no objection to the motion. Because both parties have consented to have a magistrate judge conduct all the proceedings in this case as provided in 28 U.S.C. § 636(c), the undersigned has the authority to issue this opinion and the accompanying final judgment.

The Commissioner’s Motion to Remand acknowledges that the case should be remanded for further administrative proceedings “so the administrative law judge may further evaluate Plaintiff’s literacy and whether he can perform other work that exists in significant numbers in the national economy.” Docket 15. After reviewing the motion and record, the undersigned concludes that remand is proper. The Commissioner’s Motion to Remand is therefore GRANTED.

SO ORDERED, this, the 11<sup>th</sup> day of January, 2017.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE